



PENNWALT BUILDING, THREE PARKWAY, PHILADELPHIA, PENNSYLVANIA 19102-1389

CHEMICALS ■ EQUIPMENT ■ HEALTH PRODUCTS

27699

April 24, 1989

Jonathan T. McPhee, Esquire
Assistant Regional Counsel
U. S. Environmental Protection Agency
Region 5
230 South Dearborn Street
Chicago, IL 60604

RE: Your March 14, 1989 letter
Pennwalt's PRP Status
Conservation Chemical Company Site - Gary, IL

Dear Mr. McPhee:

This letter is in reply to your March 14 letter requesting additional information confirming that the ferric chloride sent by Pennwalt to Conservation Chemical Company (CCC) constituted the sale of a product, and not the shipment of a waste.

Although neither copies nor originals of the invoice or bill of lading are still available, a copy of Pennwalt's price list for the relevant period still exists, and is enclosed.

The price list confirms that ferric chloride was sold to CCC as a product. Please note the price at the time was \$.05 per unit. The "Shipments to Customers" list for the shipment in question indicates that some 18,977 units were sold to CCC at a total price of \$853.97 (a copy is enclosed for your reference). This would amount to a price of \$.045 per unit. According to the Product Marketing Manager, the slight price differential in this sale is typical of a co-producer discount (which Pennwalt also would have extended to CCC, a co-producer of ferric sulfide). Thus, the price indicated on the "Shipment to Customers" list correlates with our price list for the product during the time at issue.

In light of the above pricing information and the materials previously sent to you which reflect that Pennwalt did market ferric chloride as a commercial product, it is clear that Pennwalt sold conforming commercial product, not a

Direct Dial (215) 587-7654

Jonathan T. McPhee, Esquire
April 24, 1989
Page 2

hazardous waste to CCC and Pennwalt should be deleted from the PRP list.

Please feel free to call me if you have any questions or want to discuss this. Otherwise, we would appreciate receiving written confirmation by May 10 that Pennwalt has been removed from the list of PRPs.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Kathleen L. Petrilli'.

Kathleen L. Petrilli
Attorney
Legal Department

KLP/dd

Enclosure

FERRIC CHLORIDE, LIQUID**Effective: October 1, 1974****Supersedes: March 12, 1974****PRICES**

<u>Prices \$/lb.</u>	<u>fob Wyandotte, Mich.</u>	<u>Product Code No.</u>
Tank Car	0.0500	4120 1
Tank Truck	0.0500	4120 7

priced on 100% basis
Freight equalized with Midland, Michigan

Shipping Point: Wyandotte, Mich. Terms: Thirty (30) days net

SHIPPING

Freight Classification: Chloride of Iron, Liquid Corrosive Liquid, NOS		
<u>Type</u>	<u>Volume</u>	<u>Approx. Net Solution Weight</u>
Tank Cars, DOT-103-BW	4,000 gal.	23 tons
DOT-100-WS	6,000 gal.	34 tons
rubber lined	8,000 gal.	46 tons
Tank Trucks, MC310, 311, 312	10,000 gal.	60 tons
rubber lined	20,000 gal.	110 tons

NOTE: The as-shipped strength of liquid ferric chloride will vary from 39% to 46%, depending on ambient temperature. The plant will produce and ship at the highest strength within this range that will arrive at the customer's plant without crystallizing.

PHYSICAL CHARACTERISTICS

Dark brown corrosive liquid		
Crystallizing Points:	39%	7°F
	40%	14°F
	41%	21°F
	42%	28°F
	43%	35°F
	44%	42°F
	45%	48°F
	46%	55°F

Revised: April 10, 1974

INVOICE - SHIPMENTS
INCREASE OVER 1975

REGION 250 DEPARTMENT 10

12/76

RPT 50043-0 Y

13

SHIPMENTS TO CUSTOMERS
CUSTOMER / PRODUCT

CUSTOMER GP PROD	CUSTOMER PRODUCT DESCRIPTION	CITY TOWN ST SIZE TYPE UNIT	CM UNITS	CM AMOUNT	YTD UNITS	YTD AMOUNT	LP#
14519.50 002090 008030	CLINTON CORN PROCESSING LIQ CAUSTIC SODA 50 S CHLORINE CONTAINERS	CLINTON IA 10 M G TC L876 TON- TC LB	903,119	64,920.43	4,680,344 90,000	335,632.62 7,200.00	11 09
			903,119 *	64,920.43 *	4,770,344 *	342,832.62 *	
	14519 TOTALS		903,119	64,920.43	4,770,344	342,832.62	
14534.15 008056	CLINTON VILLAGE OF CHLORINE CYLINDERS	CLINTON MI 100 CYL LB	700 700 *	140.00 140.00 *	7,700 7,700 *	1,540.00 1,540.00 *	11
	14534 TOTALS		700	140.00	7,700	1,540.00	
16055.50 008034	CONSOLIDATED PACKAGING CHLORINE CONTAINERS	MUNROE MI TON CONT LB			72,000 72,000 *	9,360.00 9,360.00 *	11
	16055 TOTALS				72,000	9,360.00	
16062.20 008040 041207	CONSERVATION CHEM CORP CHLORINE BULK LIQUID FERRIC CHLORIDE	GARY IN 55T TC LB MISC TK L84W			18,173.00 308,977 *	18,173.00 19,026.97 *	08 04
	16062 TOTALS				308,977	19,026.97	
16065.05 008040	CONSOLIDATED PAPERS INC CHLORINE BULK	APPLETA MI 55T TC LB			30,450- 30,450-*		08
16065.65 002090 008040	CONSOLIDATED PAPERS INC LIQ CAUSTIC SODA 50 S CHLORINE BULK	MSN RDS MI 10 M G TC L876 55T TC LB	60,926 220,000 280,926 *	4,147.66 13,835.80 17,983.46 *	1,127,287 1,865,820 2,997,107 *	77,076.94 118,490.15 155,567.09 *	11 11
	16065 TOTALS		280,926	17,983.46	2,966,657	155,567.09	
16155.40 017214 010234	*CONSUMERS PLUMBING & H SENTRY SUREFLUC	BEDFORD OH 25S PAIL PAIL 6X8 CASE CASE			59,032 30 59,062 *	35,591.40 470.53 36,067.93 *	06 06
	16155 TOTALS				59,062	36,067.93	
16766.15 006062	COGDEN OIL & CHEM POTASSIUM PERSULFATE	CLMT CT IL 225# DRUM LB	8,550	3,151.54	84,900	30,427.15	11